

405 KAR 1:200. Sediment control measures.

RELATES TO: KRS 350.420

STATUTORY AUTHORITY: KRS 350.028, 350.420

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.028 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the strip mining of coal. This administrative regulation sets forth requirements for sediment control measures.

Section 1. Sediment Control Required. Appropriate sediment control measures shall be designed, constructed, and maintained to prevent additional contributions of sediment to stream flow or to run off outside the permit area to the extent possible using the best technology currently available but in no event shall contributions be in excess of requirements set by applicable state or federal law.

(1) Sediment control measures include practices carried out within and adjacent to the disturbed area. For the purpose of this administrative regulation, disturbed area shall not include those areas in which only diversion ditches, sedimentation ponds, or roads are installed and the upstream area is not otherwise disturbed by the mining operation. The scale of downstream practices shall reflect the degree to which successful techniques are applied at the sources of the sediment. Sediment control measures consist of the utilization of proper mining, reclamation methods, and sediment control practices (singly or in combination) including but not limited to:

(a) Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading, and timely revegetation;

(b) Consistent with the requirements of this chapter, shaping the backfill material to promote a reduction of the rate and volume of run-off;

(c) Retention of sediment within the pit and disturbed area;

(d) Diversion of overland and channelized flow from undisturbed areas around or in protected crossings through the disturbed area;

(e) Utilization of straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce run-off volume or entrap sediment; and

(f) Sedimentation ponds.

(2) All surface drainage from the disturbed area including disturbed areas which have been graded, seeded, or planted shall be passed through a sedimentation pond or a series of sedimentation ponds before leaving the permit area. Sedimentation ponds shall be retained until drainage from the disturbed area has met the water quality requirements and the revegetation requirements of these administrative regulations have been met. The cabinet may grant exemption from this requirement only when the disturbed drainage area within the total disturbed area is small and it is demonstrated that sedimentation ponds are not necessary to meet the effluent limitations and to maintain water quality in downstream receiving waters. All sedimentation ponds required shall be constructed in accordance with this chapter and in appropriate locations prior to any mining in the affected drainage area in order to control sedimentation or otherwise treat water. Sedimentation ponds shall be certified by a qualified registered engineer as having been constructed as designed and as approved by the cabinet. Sedimentation ponds may be used individually or in series, and should be located as near as possible to the disturbed area and where possible out of major stream courses.

(3) Sediment shall be removed from sedimentation ponds so as to assure maximum sediment removal efficiency and attainment and maintenance of effluent limitations. Sediment removal shall be done in a manner that minimizes adverse effects on surface waters due to its chemical and physical characteristics, on infiltration, on vegetation, and on surface and ground water quality. Sediment that has been removed from sedimentation ponds and that meets the requirements for topsoil may be redistributed over graded areas in accordance with 405 KAR 1:100.

(4) All ponds shall be designed by a registered professional engineer.

(5) All ponds shall be removed and the affected land regraded and revegetated consistent with the requirements of this chapter, unless the cabinet approves retention of the ponds pursuant to 405 KAR 1:220 with regard to permanent impoundments.

(6) In the design of sedimentation ponds pursuant to this administrative regulation, the responsible design engineer shall determine the structure hazard classification as set forth in 405 KAR 1:020 and the structure hazard classification shall be clearly shown on the first sheet of the design drawings.

(7) Sedimentation ponds classified (B) - moderate hazard or (C) - high hazard shall be approved by the cabinet, designed, constructed and maintained according to the provisions of KRS 151.250 and administrative regulations adopted pursuant thereto.

Section 2. The cabinet may require other actions necessary to ensure that the provisions of this administrative regulation are met. (4 Ky.R. 496; Am. 5 Ky.R. 208; eff. 8-23-78; TAm eff. 8-9-2007.)